

APPLICANT'S REMARKS

1. Status of the Claims

Claims 10–16, 18, and 19 are pending. Claim 10, 16, and 18 are currently amended.

Claims 1–9 and 17 are canceled. Claims 20–29 are withdrawn.

2. Claim Rejections – 35 U.S.C. 112

Claims 10–19 are rejected under 35 U.S.C. 112, second paragraph.

In light of the foregoing amendments to the claims, the Applicant respectfully submits that the §112, 2nd paragraph, rejections of claims 10–19 are moot and should be withdrawn.

3. Claim Rejections – 35 U.S.C. 102

Claims 10–19 are rejected under 35 U.S.C. 102(b) as being anticipated by BURKE. The Examiner asserts that BURKE discloses “kinase activity measurement using fluorescence polarization.”

The Applicant respectfully submits that BURKE does not disclose or even suggest the claims of the present application. Specifically, measuring fluorescence lifetime as presently claimed is clearly distinguishable from measuring fluorescence polarization. The two techniques measure two different physical properties of fluorophores.

The present application claims a method of detecting a modification to a molecule which is labeled with a fluorescent dye by detecting a change in fluorescence lifetime. As explained by the present application at paragraph [0005], "[f]luorescence lifetime (FLT) is a measure for the amount of time a molecule spends on average in the excited state before fluorescence emission takes place."

Unlike the present invention, BURKE measures fluorescence polarization. As explained by BURKE at paragraph [0011], "when a fluorescently labeled molecule is excited with plane polarized light, it emits light that has a degree of polarization this inversely proportional to its molecular rotation." In particular, molecular binding can be detected with fluorescence polarization because a single, larger, more stable complex emits more polarized light than two, smaller, less stable binding partners.

For at least the foregoing reasons, the Applicant respectfully requests that the rejection of claims 10–19 under §102(b) based on BURKE be reconsidered and withdrawn.

4. Conclusion

The Applicant respectfully requests favorable consideration of this amendment.

Respectfully submitted,

Date: April 20, 2010

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